Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): YOR919980210US2

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on November 7, 2005
Signature: Anne Vachon Dougherty
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Application Number	Filed
10/076,778	02/13/02

First Named Inventor: A. Mohindra

Art Unit	Examiner
2143	G. C. Neurauter, Jr.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration number 30,374
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

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November 7, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The Examiner has rejected Claims 11-13, and 18-19 under 35 USC 102(e) as anticipated by the Chess article and Claims 14-17, and 20-22 under 35 USC 103 as being unpatentable over Chess. Applicants respectfully assert that the Examiner erred in rejecting the claims since (a) the Examiner read limitations into the Chess article that are not taught therein; (b) the Examiner cited one teachings of Chess as anticipating two distinct claim features; (c) the Examiner erroneously concluded that Applicants were arguing a feature which was not in the claims; and (d) the Examiner inappropriately interpreted the requirements and proofs for maintaining and/or disputing obviousness under 35 USC 103.

The application claims a method and computer program data structure for enabling a user to provide input values to a running program after the program has begun running by prior to the program requesting those input values. The claims include means and steps for: maintaining a bag buffer of variable/value pairs in the program, wherein user input values are substituted for program variables during program execution; receiving a communication, including input values, from the user during program execution; and temporarily storing the input values in the bag buffer until those value are retrieved by the program.

The Chess article teaches itinerant agents for mobile computing. The itinerant agents are described as "programs, dispatched from a source computer, that roam among a set of networked servers until they accomplish their task." Under the

Chess teachings, an itinerant agent is initialized with a user's task and is dispatched to accomplish the task. When creating a task for the itinerant agent, the user employs a form or dialogue to input the task specification, which is then converted into a transaction agent program capable of executing the task. All user input is conducted prior to running of the program. Chess does not specify if, how, or where user input is stored.

Argument (a) - the Examiner read limitations into the Chess article that are not taught therein. The Chess article does not teach or suggest providing input values as variables to a *running* program, wherein the user input values are substituted for variables during program execution. Chess provides all input to the itinerant agent prior to task execution and, in fact, prior to instantiation of the itinerant agent. Chess does not anticipate the claimed means for and step of maintaining a bag buffer of variable/value pairs for use in executing the program in the program. The Chess article does not provide any details of how user input information (e.g., the user's preference) is stored. The Examiner has stated, citing MPEP 2111, that the claim language is being given the broadest reasonable interpretation "as a buffer the hold variable/value pairs" *(sic)*. However, the Examiner has not cited any specific passage in Chess which teaches a buffer for holding variable/value pairs. The Chess article also does not anticipate means for and steps of receiving a communication with user input values during program

execution and temporarily storing the input values for the variables as variable/value pairs in a bag buffer. Chess has the stated intention of providing a mechanism for an itinerant agent to receive user input at agent initialization and be dispatched without any further user input. There is nothing in the Chess article which either teaches or suggests steps or means for providing user input during program execution. With respect to the claimed input buffer, the Examiner has cited the Chess teaching that "the agent is initialized with the user's task". However, Chess does not teach or suggest an input buffer for storing values based on user input, during program execution, of values for variables required by an already running program, wherein user input values are substituted for program variables during program execution, said input buffer being automatically accessed by the program to communicate values for the input variables to the agent for present use by the agent during program execution. With regard to the program state buffer for storing at least the present state of said program, the Examiner has cited the Chess statement that "when the agent has successfully completed its task...it may collect its state." Chess does not, however, teach a program state buffer. It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Since the Examiner has not cited teachings from the Chess article which anticipate a bag

buffer, as part of a program; storing variable/value pairs in the bag buffer for use in executing the program; user input of values during program execution but before the program needs the values; the program automatically accessing variables and notifying user if values are need;, and a program state buffer in conjunction with input, output and bag buffers, an anticipation rejection cannot be maintained.

Argument (b) - the Examiner cited one teachings of Chess as anticipating two distinct claim features. Applicants note that the Examiner cites the Chess statement that "the agent is initialized with the user's task" against the bag buffer. The Examiner has also cited the exact same language against the input buffer. Since Applicants are clearly reciting two distinct components, Applicants respectfully assert that one Chess teachings cannot anticipate two distinctly claimed components of the structure.

Argument (c) - the Examiner concluded that Applicants were arguing a feature of automatically accessing variables which was not in the claims, while the claims clearly recite a program searching through the contents of the bag buffer to locate needed input values for the variables.

Argument (d) - the Examiner inappropriately interpreted the requirements and proofs for maintaining and/or disputing obviousness under 35 USC 103, stating "it would have been obvious...to achieve the limitations of the claim since the

Applicant has not shown how the functionality of the claimed limitations would be advantageous over the teachings of Chess". Claims 14-17 recite detailed steps for notifying a user when the program attempts to retrieve values during program execution and determines that no suitable values are found in the bag buffer. Applicants are not required to demonstrate that the claimed steps (notification via page, beeper, e-mail, or telephone) are advantageous over Chess, since Chess does not even teach or suggest a program retrieving values during program execution or effecting any notification to a user when no suitable values are found. With regard to Claims 20-22, Chess simply illustrates, at Figure 2, a sequence of blocks. Chess does not teach or suggest an array data structure, a hash table data structure, or a tuple space data structure, as recited in the language of Claims 20-22. Applicants again maintain that they should not have to demonstrate advantage over nonexistent features. Applicants contend that obviousness cannot be maintained without some teaching or suggestion of the claim features and that the Examiner erred in concluding that it was Applicants' burden to demonstrate that "using the limitations undisclosed in Chess provide any sort of an advantage". If the limitations are undisclosed, they cannot, therefore be obvious.